

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In Re:

Critical Power Exchange, LLC,

Debtor.

Case No. 18-12037-CMA

Edmund J. Wood, Trustee,

Plaintiff,

v.

Invest West Capital, LLC, a Washington Limited  
Liability Company,

Defendant.

**Adv. Pro. No. 19-01019-CMA**

STIPULATION TO CONTINUE JUNE 28,  
2019 STATUS CONFERENCE  
REGARDING TRUSTEE'S COMPLAINT  
FOR AVOIDANCE AND RECOVERY  
OF FRAUDULENT TRANSFERS

COMES NOW Plaintiff Edmund J. Wood as trustee (the "Trustee") for the bankruptcy estate of Critical Power Exchange, LLC (the "Debtor"), by and through his undersigned counsel and Defendant Invest West Capital, LLC ("Invest West" and, together with the Trustee, the "Parties"), by and through its undersigned counsel who stipulate and agree as follows:

1. On February 13, 2019, the Trustee filed a Complaint for Avoidance and Recovery of Fraudulent Transfers [Adv. No. 1]<sup>1</sup> (the "Complaint") against Invest West.

<sup>1</sup> References to the docket in this adversary proceeding are indicated by "Adv. No." and to the Debtor's above-captioned chapter 7 case by "ECF No."

STIPULATION - 1

FOSTER PEPPER PLLC  
1111 THIRD AVENUE, SUITE 3000  
SEATTLE, WASHINGTON 98101-3292  
PHONE (206) 447-4400 FAX (206) 447-9700

1           2.       The deadline for Invest West to answer the Trustee's Complaint was March 27,  
2 2019, which has been continued by the Court's Orders granting the Parties' Stipulations to  
3 extend the time to Answer the Trustee's Complaint.

4           3.       Most recently, on May 13, 2019, the Trustee and Invest West executed a  
5 Stipulation to Extend the Time to Answer the Trustee's Complaint agreeing to extend the  
6 deadline for Invest West to respond to the Complaint to June 21, 2019 [Adv. No. 18]. On May  
7 15, 2019, the Court approved the Order on Stipulation Extending the Time to Answer the  
8 Trustee's Complaint to June 21, 2019 [Adv. No. 20] and set a pre-trial status conference for June  
9 28, 2019.

10          4.       The Parties sought and obtained these extensions to facilitate ongoing settlement  
11 discussions between the Parties and among the Parties and SYNEX Corporation ("SYNEX").  
12 While those discussions remain ongoing, the Parties nevertheless determined that Invest West's  
13 deadline to file its answer to the Trustee's Complaint should not be further extended.  
14 Accordingly, on June 21, 2019, Invest West filed its Answer [Adv. No. 21].

15          5.       SYNEX is listed as a creditor on the Debtor's Schedules as a holder of an  
16 unliquidated and disputed unsecured claim [Adv. No. 9 at 6-8]. SYNEX filed a proof of claim,  
17 Claim No. 2 (the "SYNEX Claim") in the Debtor's case, asserting a non-priority unsecured  
18 claim in the aggregate amount of \$886,000.00, based on its complaint, filed on June 3, 2016,  
19 against the Debtor in the Superior Court of the State of California, County of Alameda, Case No.  
20 RG-1681819-2 (the "California Litigation"). Furthermore, the Debtor filed a Cross-Complaint  
21 against a third-party in the California Litigation.

22          6.       A hearing on SYNEX's Motion for Relief From Stay to Proceed With State  
23 Court Litigation is set for June 28, 2019. [ECF No. 34] (the "Stay Relief Motion"). On June 25,  
24 2019, SYNEX filed its Notice to Court Requesting Continuance of Hearing on Motion,  
25 requesting that the Stay Relief Motion be continued to August 9, 2019.

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STIPULATION - 2

FOSTER PEPPER PLLC  
1111 THIRD AVENUE, SUITE 3000  
SEATTLE, WASHINGTON 98101-3292  
PHONE (206) 447-4400 FAX (206) 447-9700

1           7.       The SYNEX's creditor claim dwarfs, by far, the other claim(s) in the Debtor's  
2 case. Thus, SYNEX's unliquidated and disputed claim is central and most significant subject  
3 and motivation behind the Trustee's Complaint. Therefore, the process and means by which the  
4 SYNEX Claim is resolved and the Trustee's Complaint in this adversary proceeding is resolved  
5 are directly related.

6           8.       To that end, counsel for each of the Trustee, Invest West, and SYNEX have  
7 scheduled an in person meeting, currently set for July 11, 2019, to further negotiate a framework  
8 for settling or otherwise proceeding, including through mediation, the claims of their respective  
9 clients.

10          9.       For the foregoing reasons, the Parties agree that the June 28, 2019 status  
11 conference in the above-captioned matter is premature. Consistent with SYNEX's request to  
12 continue hearing on the Stay Relief Motion until August 9, 2019, and in the interests of judicial  
13 economy and conservation of the Parties' resources, the Parties therefore request that the June  
14 28, 2019 status conference in this Adversary proceeding also be continued to August 9, 2019.

15                   *[Remainder of page intentionally left blank.]*  
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10. The Trustee and Invest West further stipulate that the above-requested and agreed order may be entered immediately and without further notice.

DATED this 25<sup>th</sup> day of June, 2019.

**FOSTER PEPPER PLLC**/s/ *Andrew H. Morton*

Deborah A. Crabbe, WSBA No. 22263  
Andrew H. Morton, WSBA No. 49467  
*Attorneys for Plaintiff Chapter 7 Trustee*  
*Edmund J. Wood*

**ROMERO PARK P.S.**

*/s/ H. Troy Romero*

H. Troy Romero, WSBA No. 19044  
Attorneys for defendant Invest West Capital,  
LLC

STIPULATION - 4

**FOSTER PEPPER PLLC**  
1111 THIRD AVENUE, SUITE 3000  
SEATTLE, WASHINGTON 98101-3292  
PHONE (206) 447-4400 FAX (206) 447-9700